

the exemptions apply. Attached in the Claim for Exemptions Form is a summary of the major exemptions which apply in most situations in the State of Alabama.

If you are Robert Bradford Johnson and you disagree with the reason the Government gives for taking your property now, or if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions, you have a right to ask the court to return your property to you.

If you want a hearing, you must promptly notify the court. You must make your request in writing, and either mail it or deliver it in person to the clerk of the court at Clerk of the United States District Court at U.S. Courthouse, 85 Broad Street, Charleston, S.C. 29401. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the court clerk. You must also send a copy of your request to the Government at United States Department of Justice Civil Division, Ben Franklin Station PO Box 261, Washington, DC 20044, Attention: Mary Chris Dobbie, so the Government will know you want a hearing. The hearing will take place within 5 days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government, why you disagree with the reason the Government says it must take your property at this time, or why you believe the property the Government has taken is exempt or belongs to someone else. You may make any or all of these explanations as you see fit.

If you think you live outside the Federal judicial district in which the court is located, you may request, no later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal Judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of Court, U.S.

Courthouse, 85 Broad Street, Charleston, South Carolina 29401. You must also send a copy of your request to the Government in care of United States Department of Justice Civil Division, Ben Franklin Station PO Box 261, Washington, DC 20044, Attention: Mary Chris Dobbie, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an officer of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

DATED: This ____ day of February 10, 2016.



ROBIN L. BLUME
CLERK, UNITED STATES DISTRICT COURT

BY: s/Sandra Shealy
DEPUTY CLERK

Clerk of the United States District Court at U.S. Courthouse
85 Broad Street
Charleston, S.C. 29401

And that a true and correct copy of this Request for Hearing and Claim for Exemptions (if made) was mailed or delivered to:

Mary Chris Dobbie
Trial Attorney
U.S. Department of Justice
601 D Street N.W.
Washington, D.C. 20004

Defendant's Signature

Address:

Defendant's Printed Name

Date:

Telephone No. _____
[Include Area Code]

NOTICE REGARDING PROCEDURES TO CLAIM EXEMPTIONS

The attached prejudgment process has been issued on request of the United States of America. The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under Federal law and Alabama law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the Clerk's Office of this Court and counsel for the United States. You have a right to a hearing within five (5) business days, or as soon as practicable, from the date you file your claim with the Court.

If the United States of America, as creditor, is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form, which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If the attached process has been issued prejudgment your wages are absolutely exempt from prejudgment garnishment. For a prejudgment garnishment you do not need to file a claim for exemption to receive this exemption, but if you believe your earnings are being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

I, _____, claim that the exemption(s) from _____ which are checked below apply in this case:

LIST OF EXEMPTIONS**A. MAJOR EXEMPTIONS UNDER FEDERAL LAW**

- ___ 1. Social Security benefits and Supplemental Security (42 U.S.C. § 407).
- ___ 2. Veterans' benefits (38 U.S.C. § 5301).
- ___ 2a. Members of armed services (10 U.S.C. § 1440).
- ___ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n))
- ___ 5. Longshoremen and Harbor Worker's Compensation Act (33 U.S.C. § 916).
- ___ 6. Blank lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ___ 6a. Seaman's, master's, or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).

Exemptions 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- ___ 7. Bankruptcy Code (11 U.S.C. § 522(d) which generally provides exemptions for:
 - (a)___ \$22,975 of equity in your residence.
 - (b)___ \$3,675 of equity in a motor vehicle.
 - (c)___ Jewelry worth up to \$1,550.
 - (d)___ Personal property worth up to \$12,250. (However, no single item worth more than \$575 can be claimed as exempt.)

- (e)___ Property totaling up to \$1,225 in value, plus up to \$11,500 of any unused amount of the exemption provided in number 11(a) above.
- (f)___ \$2,300 of equity in professional books, implements or tools, of your trade or your dependant's trade.
- (g)___ Any unmaturred life insurance contract you own, other than credit life insurance.
- (h)___ The aggregate value, up to \$12,250, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependant of the insured.
- (i)___ Professionally prescribed health aids for you or your dependants.
- (j)___ Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k)___ A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(I)-(iii).
- (l)___ Your right to receive, or property that is traceable to,
 - an award under a crime victim's reparation law;
 - a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants;
 - a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;
 - a payment, not to exceed \$22,975, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
 - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of your dependants.

B. MAJOR EXEMPTIONS UNDER ALABAMA LAW

NOTE: The law of the state where you have been domiciled for at least 180 days governs your rights.

NOTE: If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

| <u>Claimed</u> | <u>Type</u> | <u>Statute Exemption</u> | <u>Value Claimed</u> |
|----------------|--|---|--------------------------|
| ___9. | Homestead or Residential Property: \$15,000 per individual in area not exceeding 160 acres is exempt, subject to certain liens. | Ala. Code § 6-10-2 and 4 | |
| ___10. | Personal Property: \$7,500 in personal property, plus all necessary wearing apparel, all family pictures and all family books are exempt. | Ala. Code § 6-10-6; <u>see</u> Ala. Const. art. IV, | |
| ___11. | Public Assistance: All public assistance benefits are exempt. | Ala. Code §§ 37-4-8 and 38-5-5 | |
| ___12. | Unemployment Compensation: All employee contributions and benefits are exempt, except as provided in Chapter 4 of Title 25 Ala. Code. | Ala. Code §§ 25-4-140 | |
| ___13. | Veteran's Benefits: All bonuses to Southeast Asian War Prisoners are exempt. | Ala. Code § 31-7-2 | |
| ___14. | Wages: With respect to consumer loans, consumer credit sales, and consumer leases, debtor may be exempt greater of 75% of weekly disposable earnings or 30 times federal minimum wage. In all other cases, 75% of wages are exempt. | Ala. Code §§ 5-19-15 and 6-10-7 | |
| ___15. | Workers' Compensation: All employee claims and benefits are exempt. | Ala. Code §§ 25-5-86 and 25-5-179 | |

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|--------|--|---|--|
| ___16. | Insurance Benefits: Life insurance policy in favor of third party is exempt. An average of \$250 per month of disability is exempt for the whole period of disability. \$250 per month of an annuity is exempt. | Ala. Code §§ 6-10-8, 27-14-29, 27-14-30, 27-14-31, 27-14-32, and 27-30-25 | |
| ___17. | Military Equipment: All personally owned uniforms, arms and equipment are exempt. | Ala. Code § 31-2-78 | |
| ___18. | Partnership Property: Alabama has adopted the Uniform Partnership Act provision exempting a partner's interest in specific partnership property. | Ala. Code § 10-8-72 | |
| ___19. | Pensions and Retirement Benefits: Benefits from various employee pension systems are exempt. | Ala. Code § 36-27-28 | |
| ___20. | Cemeteries and Burial Funds: Family burial plots are exempt. | Ala. Code § 6-10-5 | |
| ___21. | Crime Victims' Compensation: All exempt, except child support or costs due to creditor included in the award. | Ala. Code § 15-23-15 | |
| ___22. | Fraternal Benefit Society Benefits: All exempt. | Ala. Code § 27-34-27 | |

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing claim for exemption and fair market value(s) shown above are true and correct.

Executed on this _____, day of _____, 20____, in _____, _____.

Signature of Defendant

Printed Name of Defendant